

Exhibit F

Excerpts of the Rule 30(b)(6) Deposition of Mr. DeBacker

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

SNMP RESEARCH, INC. and SNMP)
RESEARCH INTERNATIONAL, INC.,)

Plaintiffs,

VS .

BROADCOM INC., BROCADE)
COMMUNICATIONS SYSTEMS LLC,)
and EXTREME NETWORKS, INC.,)

Defendants.

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) Case No.
) 3:20-cv-00451-
) CEA-DCP
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HIGHLY CONFIDENTIAL
VIDEORECORDED DEPOSITION OF DANIEL DeBACKER
San Francisco, California
Wednesday, February 14, 2024
Volume I

Reported by:
CHRIS TE SELLE
CSR No. 10836
Job No. 6394359

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1 Q. And are you here today for number 9, topic
2 number 9?

3 A. Yes.

4 Q. And are you here today for topic number
5 21?

6 A. Yes.

7 Q. And are you here today for topic number
8 25?

9 A. Yes.

10 Q. And are you here today for topic number
11 31?

12 A. Yes.

13 MR. PRABHAKAR: For the record, plaintiffs have
14 modified topics number 1 and 8, and Mr. DeBacker is
15 prepared today subject to Extreme's objections to
16 the topics 1, 8, 9, 21, 25, and 31.

17 MR. WOOD: And plaintiffs do not necessarily
18 agree with Extreme's changes, but we're proceeding.
19 BY MR. WOOD:

20 Q. Have you spoken with anyone regarding your
21 deposition?

22 A. No.

23 Q. Did you speak with counsel?

24 A. Oh, yes.

25 Q. Have you spoken with anyone besides

1 counsel?

2 A. No.

3 Q. How long did you speak to counsel about
4 your deposition?

5 A. We met yesterday for, probably, four
6 hours, give or take.

7 Q. Any other prep time for this deposition,
8 other than the four hour session yesterday?

9 A. No.

10 Q. And did you speak with your counsel that's
11 here today?

12 A. Yes.

13 Q. That's who you met with?

14 A. Yes.

15 Q. Did you review any documents during that
16 session?

17 A. Yes.

18 Q. Can you tell me what documents you
19 reviewed.

20 A. There were several different documents
21 that we reviewed, so I can't, I can't go through
22 every, I couldn't tell you every single document
23 that we reviewed.

24 Q. Do you remember any of the documents?

25 A. Reviewed a document similar to this one.

1 Q. Do you know of any oral conversations
2 where Extreme communicated its need for a license
3 for the EXOS products?

4 A. No, I was not part of any oral
5 conversations.

6 Q. Put all that away. Let's look at topic
7 number 9.

8 So, topic, and this is back on
9 Exhibit 120, topic number 9 is Extreme's responses
10 to written discovery propounded by SNMP Research in
11 this case, including the scope of Extreme's
12 collection of documents in response to the written
13 discovery.

14 What did you do to prepare for this topic?

15 MR. PRABHAKAR: So, for the record, the witness
16 is prepared to testify based on Extreme's response
17 to topic 9, which is, Extreme will designate a
18 witness knowledgeable about the scope of Extreme's
19 efforts to collect documents in response to the
20 written discovery.

21 You can answer the question.

22 THE WITNESS: As far as collecting of
23 information, I believe all the documents that were
24 collected for this specific discovery were either
25 asked for or created or collected. I think it was,

1 I was approached about some information, hence, I
2 created the spreadsheet.

3 I'm not sure what, what document number that
4 was, but the spreadsheet didn't exist. I created
5 that spreadsheet. So, if documentation didn't
6 exist, it was created, similar to the spreadsheet
7 that I was just referring to earlier, which is
8 Exhibit 124, that type of information was created.

9 If there was information, other information, it
10 was provided, or, I believe, then, you know, all of
11 these, these e-mails were retrieved through a
12 search.

13 BY MR. WOOD:

14 Q. Do you know which custodians did Extreme
15 search e-mails for?

16 A. I do not know.

17 Q. And you said Extreme's using Office 365 as
18 its e-mail server?

19 A. We are now. We weren't back in 2017.
20 Didn't exist in 2017.

21 Q. What was Extreme using for e-mail in 2017?

22 A. Outlook.

23 Q. Okay, so, a on-premise exchange server?

24 MR. PRABHAKAR: Objection. Form.

25 THE WITNESS: I would assume so, yes.

1 BY MR. WOOD:

2 Q. Do you know what type of e-mail system was
3 Extreme using in the 2000s?

4 A. That predates me being part of Extreme.
5 No, I don't know.

6 Q. And did you ask anybody what type of
7 e-mail system?

8 A. I did not.

9 Q. Do you know if that, the e-mails from that
10 e-mail system have been retained?

11 A. I do not know.

12 Q. Do you know if Extreme was able to search
13 e-mails from the 2000s?

14 A. Don't know.

15 Q. So, how, how do you know what Extreme did
16 to collect documents if you don't know what happened
17 in the 2000s?

18 A. I believe they searched and collected all
19 the documents that were available.

20 Q. But you don't, but you said you don't --

21 A. I don't have any personal knowledge as to
22 what documents were available.

23 Q. I'm not asking about your personal
24 knowledge. I'm asking about Extreme's knowledge,
25 which you can get from talking to other people.

1 So, what did Extreme do to search for
2 e-mails in the 2000 time frame?

3 A. I don't know.

4 Q. Did you try and obtain that information?

5 A. I did not.

6 Q. How did you think you were going to be
7 prepared to answer questions on this topic if you
8 didn't know what Extreme did regarding e-mails in
9 the 2000s?

10 A. Don't have that information.

11 Q. And you didn't do anything to try and
12 obtain that information either, did you?

13 A. I did not.

14 Q. Let's see. So, let's look at Exhibit 123.

15 MR. WOOD: Just for the record, we don't agree
16 with Extreme's limitations on this topic 9, but I
17 understand your objections.

18 MR. PRABHAKAR: Well, you agreed to depose the
19 witness subject to Extreme's responses and
20 objections, so, as far as we are concerned, you
21 agreed to how we scoped the topics. If you
22 disagreed, you should have moved for a protective
23 order, asking for a witness to be prepared on the
24 full scope. You did not.

25 MR. WOOD: No. I think it's Extreme's

1 responsibility to move for a protective order. If
2 you want a limitation on the deposition, you have
3 to, Extreme has to move for a protective order, not
4 us. That's not, it's your burden to move for the
5 protective order, not ours.

6 MR. PRABHAKAR: So, we met and conferred after
7 we served our responses. During the meet and
8 confers, SNMPI represented that for topics on which
9 Extreme had offered to produce witnesses, it was
10 fine with witnesses being produced subject to our
11 responses.

12 MR. WOOD: We, we don't agree. You can have
13 your objection, and I'm just, I'm stating for the
14 record our position.

15 BY MR. WOOD:

16 Q. So, so, do you have Exhibit 123?

17 A. Yeah.

18 Q. Okay. So, if you could look at
19 interrogatory 1.

20 Do you see that interrogatory,
21 interrogatory number 1 says, identify all Extreme
22 products that contain, use, or are otherwise
23 associated with SNMP Research software, either as
24 manufactured or as a result of a software or
25 firmware installation or update.

1 Is that correct?

2 A. Yes, that's what it says.

3 Q. Okay. Do you know if Extreme has fully
4 and completely answered interrogatory number 1?

5 A. No.

6 MR. PRABHAKAR: Objection. Out of scope. So,
7 first, so, objection, out of scope. Objection.
8 Improper under the federal rules, because discovery
9 is not closed, and today plaintiffs have noted
10 issues with interrogatory number 1, so I don't know
11 what the --

12 MR. WOOD: You're doing it, you're getting into
13 a speaking objection.

14 MR. PRABHAKAR: So, okay, I'm going to stop.

15 MR. WOOD: Yeah.

16 MR. PRABHAKAR: But, really, it's an improper
17 question to ask a fact witness, when discovery
18 hasn't closed.

19 BY MR. WOOD:

20 Q. You can go ahead and answer.

21 A. To my knowledge, this is the information
22 that's been provided.

23 Q. What was your role in answering
24 interrogatory number 1?

25 MR. PRABHAKAR: Objection. Out of scope.

1 THE WITNESS: My role was the spreadsheet that
2 I produced.

3 BY MR. WOOD:

4 Q. Okay. So, if you look at the answer to
5 interrogatory number 1, can you, which says,
6 identify the Extreme products, can you show me any
7 Extreme products identified in response to
8 interrogatory number 1?

9 MR. PRABHAKAR: Objection. Mischaracterizes
10 the response, and I'm not going to testify for the
11 witness, but you are asking the witness to testify
12 as to his legal understanding of the document, and
13 this is out of scope.

14 THE WITNESS: So, the information provided here
15 is the documents that correspond to the spreadsheet.
16 These are the release documents that correspond to
17 the releases that were detailed out in Exhibit 127.

18 MR. PRABHAKAR: And, for the record, I note
19 that Extreme has responded rightfully under
20 FRCP-33(D), and it does not have an obligation to --

21 MR. WOOD: That's not --

22 MR. PRABHAKAR: -- provide a narrative
23 response.

24 MR. WOOD: -- even an objection.

25 (Cross-talk, reporter clarification.)

1 MR. WOOD: That's not even an --

2 MR. PRABHAKAR: Okay.

3 MR. WOOD: -- objection. You're just making a
4 speech now.

5 MR. PRABHAKAR: Well, I mean, at this point in
6 time, you're so far off from fact witness
7 testimony --

8 MR. WOOD: No. This is about written
9 discovery.

10 MR. PRABHAKAR: Yeah, so, you can ask about the
11 response.

12 MR. WOOD: And he's -- yeah, that's what I'm
13 asking about.

14 MR. PRABHAKAR: No, but you are asking --

15 MR. WOOD: You need to let me ask my questions,
16 and let's --

17 MR. PRABHAKAR: And, but you stopped --

18 MR. WOOD: -- finish the deposition. You can
19 object.

20 MR. PRABHAKAR: Your deposition is for
21 developing fact information. You want to go on a
22 discovery fishing expedition about him, you know,
23 whether a response is deficient or not, you can talk
24 to the attorneys.

25 MR. WOOD: You can instruct him not to answer.

1 It's not attorney-client privilege. I get to -- and
2 he also contributed to this.

3 MR. PRABHAKAR: And you can ask him about his
4 contribution to the response, which is totally out
5 of scope.

6 MR. WOOD: So, you just need, you can object,
7 you object, if you want to, but you got to stop with
8 the speaking --

9 MR. PRABHAKAR: Okay.

10 MR. WOOD: -- objections. You're getting,
11 you're getting out of control again --

12 MR. PRABHAKAR: Okay --

13 MR. WOOD: -- and you need to stop.

14 MR. PRABHAKAR: -- John, this is the same
15 situation as the finance deposition, where you were
16 so far off the scope. We objected to the time limit
17 for the testimony to 21 hours. We are now wasting
18 time asking out of --

19 MR. WOOD: You're wasting --

20 MR. PRABHAKAR: -- scope questions.

21 MR. WOOD: -- time. You need to let me, let me
22 finish. I'll ask my questions. He can answer. You
23 can object.

24 MR. PRABHAKAR: Okay.

25 MR. WOOD: You need to stop keeping me from

1 asking my questions.

2 MR. PRABHAKAR: You are asking --

3 MR. WOOD: So, I'm going to keep going.

4 MR. PRABHAKAR: Okay.

5 BY MR. WOOD:

6 Q. Let's look at interrogatory number 4.

7 MR. PRABHAKAR: Objection. Out of scope.

8 MR. WOOD: I haven't even asked a question.

9 MR. PRABHAKAR: Well, anything about our
10 response was very clear that this is related to
11 document collection efforts. We made a clear record
12 in meet and confers that witnesses will not be
13 testifying on interrogatory responses, which is what
14 you're doing now after agreeing to our scope.

15 Otherwise, we would have moved for a protective
16 order that you will not ask witnesses, under the
17 guise of general discovery, for correctness of
18 interrogatory responses.

19 You have deposed a witness on interrogatory
20 number 4.

21 BY MR. WOOD:

22 Q. All right. So, in the fourth paragraph of
23 the response to interrogatory number 4, you are
24 identified as the product manager of the SLX VDX
25 products; is that correct?

1 MR. PRABHAKAR: Objection. Out of scope.

2 BY MR. WOOD:

3 Q. Do you see that? It's on page 8, the
4 second paragraph on page 8, the second sentence.

5 Do you see that, where it says, Daniel
6 DeBacker --

7 A. Uh-huh.

8 Q. -- is the product --

9 A. I do.

10 Q. -- manager of the SLX and VDX series?

11 A. Yes.

12 Q. Is that correct?

13 A. Yes.

14 Q. Is that correct today that you're the
15 product manager of the SLX and VDX series?

16 A. No. I'm the --

17 MR. PRABHAKAR: Objection. Out of scope.

18 THE WITNESS: -- senior vice president of
19 product management.

20 BY MR. WOOD:

21 Q. Right. So, who's --

22 A. I have product managers across all the
23 products.

24 Q. Who is the product manager of the SLX and
25 VDX series?

1 (Reporter clarification.)

2 MR. PRABHAKAR: Objection. Out of scope.

3 THE WITNESS: So, there is no product manager
4 for VDX, because it's end of life, or, SLX, I have a
5 manager and a product manager under that manager.
6 Two people.

7 BY MR. WOOD:

8 Q. Who are they?

9 A. Kris Orjada and Gaurav Sharma.

10 Q. Okay, thank you.

11 Also says, Daniel DeBacker oversees build
12 or tool chain engineers of the SLX and VDX series,
13 and source code control systems personnel for these
14 products.

15 MR. PRABHAKAR: Objection. Out of scope.

16 BY MR. WOOD:

17 Q. Is that correct?

18 A. At that point in time, yes. So, if you
19 remember my LinkedIn profile, where I was managing
20 engineering, it was during that time frame.

21 Q. Who's, who's fulfilling that role now?

22 MR. PRABHAKAR: Objection. Out of scope.

23 THE WITNESS: We have a, an engineering manager
24 that oversees. Again, the VDXs is not in play any
25 longer, but we have an engineering manager for SLX,

1 and he has development teams underneath him.

2 BY MR. WOOD:

3 Q. And, who is that?

4 MR. PRABHAKAR: Objection. Out of scope.

5 THE WITNESS: Krishnan. I need to look up his
6 last name. I apologize. It escapes me at the
7 moment. But, he's the engineering leader for, for
8 multiple things, and this is one of them.

9 BY MR. WOOD:

10 Q. And it also says you're, you, Dan DeBacker
11 oversees build or tool chain engineers, the SLX and
12 VDX series, and source code control systems
13 personnel for these products.

14 Who are the source code control systems
15 personnel?

16 A. Those would be --

17 MR. PRABHAKAR: Objection. Out of scope.

18 THE WITNESS: Those would be people within the
19 engineering organization that do dev ops.

20 BY MR. WOOD:

21 Q. Who are, what are their names?

22 A. I don't know who they are now. I'm sure
23 it's changed since I've moved on.

24 Q. Who was it when you were doing the job?

25 MR. PRABHAKAR: Objection. Out of scope.

1 THE WITNESS: So, it would be Tom Bombara for
2 at that point in time.

3 BY MR. WOOD:

4 Q. Okay. And you, do you know if he's still
5 doing that job?

6 MR. PRABHAKAR: Objection. Out of scope.

7 THE WITNESS: I do not know if he's still doing
8 that job.

9 BY MR. WOOD:

10 Q. Okay. If you could turn over to
11 interrogatory number 7. And the answer is on page
12 11. So, interrogatory number 7 is, identify each
13 and every person who is or has been involved in any
14 search for Extreme products containing SNMP Research
15 software, whether in response to these
16 interrogatories or otherwise, including each product
17 and every software system that was searched.

18 If you look at the first paragraph, you
19 are identified as an individual that was involved in
20 searching for Extreme products that contain software
21 that appears to originate from SNMPPR?

22 A. That is correct.

23 MR. PRABHAKAR: Objection. Out of scope.

24 BY MR. WOOD:

25 Q. You may have already covered this, but,

1 just to be complete, what did you do to search for
2 SNMP Research software in Extreme products?

3 MR. PRABHAKAR: Objection. Out of scope. And,
4 for the record, so far off the scope of Mr.
5 DeBacker's deposition. For the record, SNMPR is now
6 wasting Extreme's time with this deposition.

7 You have already had an opportunity to ask the
8 deponent.

9 MR. WOOD: You're making a speaking --

10 MR. PRABHAKAR: Yes, because I want to make a
11 record clear when we go before the judge of --

12 MR. WOOD: You're wasting time.

13 MR. PRABHAKAR: -- how much time you're
14 wasting.

15 MR. WOOD: You're --

16 MR. PRABHAKAR: You're not --

17 MR. WOOD: -- wasting time. You're just
18 wasting time. Let me ask my questions, and I'll
19 finish.

20 MR. PRABHAKAR: This is all out of scope. This
21 deposition should have ended 30 minutes ago.

22 MR. WOOD: No. Then make the objection. Let's
23 keep going. This is not out of scope at all.

24 MR. PRABHAKAR: This is entirely out of
25 scope --

1 MR. WOOD: No.

2 MR. PRABHAKAR: -- and you can continue.

3 BY MR. WOOD:

4 Q. Okay, go ahead. What did you, what did
5 you do to search?

6 A. As I mentioned, I've created this
7 spreadsheet.

8 Q. Okay, thank you. Rog 12.

9 A. Page 12, did you say?

10 Q. Interrogatory 12, so that's on page 16,
11 and this is identify all products responsive to
12 interrogatory number 1 that were sold, licensed,
13 transferred, or otherwise disclosed to Extreme.

14 And, if you look on the next page, page
15 17, the second paragraph, this says, Extreme states
16 the only contractor of Extreme that has had access
17 to the source code for the products identified in
18 response to interrogatory number 1 was HCL
19 Technologies.

20 Do you see that?

21 MR. PRABHAKAR: Objection. Out of scope.

22 THE WITNESS: I do see that, yes.

23 BY MR. WOOD:

24 Q. Is that the, when you were referring to
25 India developers, are those the India developers

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1 that you were referring to earlier?

2 A. There's a combination of both Extreme
3 employees and HCL employees in the U.S. and in
4 India.

5 Q. Okay. So, HCL has employees in the U.S.?

6 A. Yes.

7 Q. As well?

8 A. Absolutely.

9 MR. PRABHAKAR: Objection. Out of scope.

10 BY MR. WOOD:

11 Q. Do you know how many employees Extreme
12 uses from HCL?

13 A. No --

14 MR. PRABHAKAR: Objection.

15 THE WITNESS: -- I do not.

16 MR. PRABHAKAR: Out of scope.

17 BY MR. WOOD:

18 Q. And then what is, who is TCS --

19 MR. PRABHAKAR: Objection. Out of scope.

20 BY MR. WOOD:

21 Q. -- in the next paragraph?

22 A. That's another contractor, contracting
23 house. I don't know what TCS stands for.

24 Q. It says, helps with builds.

25 A. Yeah. That was part of the, part of the

1 engineering team. So, I'm sure you understand
2 that's not just one person that does all this work.

3 Q. Right.

4 A. It's a team of people that do this work.

5 (Exhibit 161 was marked for identification
6 by counsel.)

7 BY MR. WOOD:

8 Q. Right. Right. Right. Okay.

9 Let's look at, I'm going to introduce,
10 this will be Exhibit 160. This is Extreme Network,
11 Inc's Responses and Objections to SNMP Research
12 International, Inc.'s Third Set of Interrogatories
13 to Extreme Networks, Inc.

14 THE COURT REPORTER: I think 160 was the
15 attachment to 159.

16 BY MR. WOOD:

17 Q. Oh, I'm sorry. So this will be 161. I'll
18 just introduce it. Exhibit 161 is Extreme Networks,
19 Inc.'s Responses and Objections to SNMP Research
20 International, Inc.'s Third Set of Interrogatories
21 to Extreme Networks, Inc.

22 Did you have any involvement in preparing
23 these --

24 MR. PRABHAKAR: Objection. Out of scope.

25 BY MR. WOOD:

1 Q. -- responses?

2 A. I did not have any involvement in creating
3 the responses, it would appear. Seems like this was
4 all done by the legal counsel.

5 Q. Okay. And under topic 8, you're
6 designated for request for licenses, assignments
7 transfers, amendment to licenses from SNMP Research.

8 And interrogatory number 7 is for each
9 product identified in response to SNMP Research,
10 Inc.'s Interrogatory number 1, identify on a
11 product-by-product basis the license agreement,
12 including the amendment number, if applicable, that
13 Extreme contends licenses the SNMP Research software
14 in each product to Extreme.

15 Do you see that in interrogatory number 7?

16 A. Yes.

17 MR. PRABHAKAR: Objection. Out of scope.

18 BY MR. WOOD:

19 Q. Did Extreme identify any products that are
20 licensed in response to interrogatory number 7?

21 MR. PRABHAKAR: Objection. Out of scope.

22 And you can answer, if you know.

23 THE WITNESS: I don't know specific to this
24 interrogatory. I'm trying to understand what
25 exactly this is.

1 BY MR. WOOD:

2 Q. So, this is to, on a product-by-product
3 basis, identify the license agreement that Extreme
4 contends licenses the SNMP Research software in each
5 product to Extreme.

6 MR. PRABHAKAR: Objection. Out of scope.
7 Mischaracterizes the interrogatory and Extreme's
8 response.

9 BY MR. WOOD:

10 Q. So, take your time and read the response.

11 A. Okay. This is a lot of legal terms. I'm
12 still not, so, it looks like -- I don't even, I
13 mean, I can read this response three more times, and
14 I'm probably still not going to understand what all
15 this terminology is.

16 Q. I don't understand it either.

17 MR. PRABHAKAR: Well, objection.

18 BY MR. WOOD:

19 Q. My question is, did Extreme identify any,
20 any product, any licenses for any products.

21 MR. PRABHAKAR: Objection. Out of scope.

22 BY MR. WOOD:

23 Q. Did you, were you involved in collecting
24 any documents that showed Extreme had licensed any
25 products?

1 A. I was not involved in collecting any
2 documents on licenses or license agreements, no.

3 Q. Do you know if Extreme tried to collect
4 any documents in, to respond to this interrogatory
5 that showed that there were licenses for products?

6 A. I don't know --

7 MR. PRABHAKAR: Objection. Out of scope.

8 THE WITNESS: -- if Extreme did that.

9 (Cross-talk, reporter clarification.)

10 MR. PRABHAKAR: And, Dan, just give me a few
11 seconds to object.

12 THE WITNESS: Yeah.

13 BY MR. WOOD:

14 Q. Could you turn over to page 9. The last
15 paragraph, this is in Extreme's response to
16 interrogatory number 10.

17 Do you see the first sentence there,
18 Extreme makes the statement, plaintiffs' business
19 model is primarily licensing its software using
20 ambiguous, confusing, or unclear license terms, and
21 then extracting royalties from licensees, claiming
22 that they exceed the scope of their license.

23 Do you see that?

24 A. I do.

25 Q. Do you, do you agree with that statement?

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1 MR. PRABHAKAR: Objection. Out of scope.

2 You can answer in your personal capacity.

3 THE WITNESS: Since I've not looked through the
4 entire license agreement, I can't really comment on
5 that one way or another.

6 BY MR. WOOD:

7 Q. Did, you looked at the license agreement
8 that Extreme was negotiating with SNMP.

9 Was --

10 A. This, this document you're referring to,
11 Exhibit 158?

12 Q. Yes.

13 A. The 29-page document?

14 Q. Yeah. Wasn't Extreme able to make
15 extensive changes to that document?

16 MR. PRABHAKAR: Objection. Out of scope.
17 Misstates the record. Misstates the document.

18 THE WITNESS: Perhaps it was to make it less
19 ambiguous and less confusing and more clear.

20 BY MR. WOOD:

21 Q. Yeah. Is Extreme in the habit of agreeing
22 to terms that it thinks are ambiguous in licensing
23 agreements?

24 MR. PRABHAKAR: Objection. Out of scope.

25 Objection. Argumentative.

1 THE WITNESS: Actually, we don't, because we
2 redlined this document.

3 MR. WOOD: Thank you. Let's take a break.

4 THE VIDEOGRAPHER: This marks the end of media
5 number 4. We are going off the record. The time is
6 3:37 p.m.

7 (Recess: 3:37 p.m. to 4:01 p.m.)

8 THE VIDEOGRAPHER: This marks the beginning of
9 media number 5. We are going back on the record.
10 The time is 4:01 p.m.

11 MR. WOOD: So, we're going to finish up. I
12 just have a few things to say in closing. We are
13 reserving all of our rights regarding this
14 deposition. I think the record will show the
15 witness was completely unprepared on several topics,
16 and so we're reserving our rights to reopen those
17 topics and either get a new witness or have this
18 witness be prepared, and I have no further
19 questions.

20 MR. PRABHAKAR: And, just so we understand
21 plaintiffs' positions, are there specific topics
22 that you are claiming that the witness was
23 unprepared on?

24 MR. WOOD: I think parts of a lot of topics he
25 was unprepared on. We'll give you a list as we

1 review the record.

2 MR. PRABHAKAR: Okay. And, to complete the
3 record, we disagree, and we request identification
4 of topics so that we can assess what topics
5 specifically you think the witness was unprepared
6 for, because we disagree with that representation.

7 But, if you pass the witness, then I have a
8 brief redirect.

9 MR. WOOD: Okay. Yes. No further questions
10 from me.

11 THE VIDEOGRAPHER: Before we start, sir, can I
12 ask you to reattach your microphone. It looks like
13 it fell.

14 MR. PRABHAKAR: Can we go off the record.

15 THE VIDEOGRAPHER: You've got it.

16 THE WITNESS: Is that all right? Can you hear?

17 THE VIDEOGRAPHER: I can.

18 MR. PRABHAKAR: Oh, there's a separate mike
19 down there.

20 THE WITNESS: Yeah, there's two mikes.

21 MR. PRABHAKAR: Got you. All right, we're
22 ready to go back on the record.

23 THE VIDEOGRAPHER: We never went off.

24 MR. PRABHAKAR: We never went off. Thank you.

25 THE WITNESS: I'll just hold it. I don't know,